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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Letter dated 17 April 1996 from the Chargé d'affaires, a.i. of the Permanent Mission of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

Upon instruction of my Government, I have the honour to inform you that it has paid due attention to the report of Mr. Manfred Nowak (E/CN.4/1996/36).

The report contains a large number of most substantial data, the accurateness and comprehensiveness of which are of greatest importance, particularly for the families of those whose fate is unknown as yet. In this connection, the report should serve as an indication of their whereabouts or their fate.

Concurrently, the report abounds, however, in inaccurate and inexact data and allegations, which is inadmissible, since the issue involved is most sensitive and vulnerable, and it is the product of the most competent United Nations body in the field of human rights, which has for many years dealt with this issue.

On this occasion, it is not the intention to comment on all the statements or falsehoods related to the FRY, including the very name of the State, referred to as the Federal Republic of Yugoslavia in numerous international documents and by top international officials including the United Nations Secretary-General, with Mr. Nowak still using the appendix (Serbia and Montenegro) in brackets.

Unsubstantiated allegations are the vehicle Mr. Nowak still resorts to when claiming that detention camps are being run in the FRY with Croats and Bosnian Muslims incarcerated in them. If it were not a report of such an august body as the Commission on Human Rights, such allegations might go unheeded. The Federal Republic of Yugoslavia declares with full responsibility that such camps are nonexistent on its territory. This assertion is corroborated by reports of the International Committee of the Red Cross (ICRC), where it is explicitly stated that the running of such camps has not been established (statement by ICRC delegate, Ms. Corinne Adam, dated 6 March 1995). On the other hand, on a number of occasions the Government of the FRY has suggested that the Croatian side visit the locations mentioned and see for themselves that the above allegations are unfounded. It is worth noting that these suggestions have been ignored.

As for the alleged Muslim detainees, it is true that shelter has been given to a certain number of Muslims at Mitrovo Polje (the Uzice area) who had fled into the territory of the FRY to escape the obligation to take part in the war actions of the Bosnian Government. It is well known, however, that these persons are the responsibility of international organizations - the United Nations Commission on Human Rights, the International Organization for Migration, the ICRC and others.

The Government of the Federal Republic of Yugoslavia wishes to underscore another grave problem pertaining to Croatia's official admittance that it still holds imprisoned persons from the FRY, the Republic of Serbian Krajina and the Republic of Srpska. It is incumbent upon Croatia to release these detainees without delay, to meet the Yugoslav side's request on missing persons, and to deliver the mortal remains of the Yugoslav People's Army soldiers killed in the Yugoslav People's Army barracks located in its territory, in the military operations in connection with Croatia's secession. It is worth noting that a number of Croat prisoners-of-war have been registered with the ICRC.

With regard to the lists mentioned in the report, in particular to the requests made by Croatia, not a single one relates to the territory of the FRY. The 916 missing persons originate from the territory of the former Srem-Baranja region, others are from the territory of Croatia - Split, Zadar, Sibenik, Knin, Glina and Sisak; hence, tracing them in the FRY is most absurd. It is sheer cynicism to demand of the Federal Republic of Yugoslavia the large numbers of Krajina Serbs who disappeared in the aftermath of the Croat aggression in August 1995 from the FRY.

A substantial number of paragraphs refer to alleged Yugoslav reluctance to cooperate in solving the issue of missing persons. Facts testify to the opposite. Since the signing of the Dayton Agreement, the Federal Government Commission on Humanitarian Issues and Missing Persons has had six meetings

with its Croatian counterpart, as witnessed by duly compiled reports reflecting concrete results. We wish to underscore in this connection that not a single Croat is being detained in the FRY. The best evidence of this is Croatia's readiness to release Yugoslav nationals in exchange for Serb nationality prisoners-of-war from the Republic of Srpska and the former United Nations Protected Areas on the occasion of negotiations on exchanges of detainees.

Notwithstanding the fact that there is not a single unsettled case of a missing person in the territory of the FRY, in view of the importance of this humanitarian issue which affects many in the territory of the former Yugoslavia, we are willing and ready to cooperate providing that our participation means assistance in settling a humanitarian problem. In doing so, we are guided by humanitarian principles, and bound by the obligations under the Dayton Agreement.

It is in this spirit that we have been considering Mr. Nowak's report, studying the sections which relate directly to the FRY, as well as those concerning the sufferings of the Serbs in Bosnia and Herzegovina, in Croatia after operations Flash and Storm, and in many other locations (in the course of the tragic events in recent years). Upon a more detailed and thorough analysis, the Federal Republic of Yugoslavia will decide on the most efficient way of assistance to and cooperation with international bodies, working groups and individuals involved in the efforts to settle this humanitarian issue of first priority.

In conclusion, Mr. Chairman, I wish to recall that Yugoslavia has always been open and ready for all types of cooperation with all those willing to deal with her on a footing of equality.

Finally, I would ask you kindly to have this letter distributed to all the members of the Commission on Human Rights and to have it published as an official document of the current session, under items 8 and 10.

(signed) Miroslav MILOSEVIC
Counsellor
Chargé d'affaires, a.i.